

REMARKS

Reconsideration of the Office Action of December 21, 2005 is respectfully requested.

In the Office Action claims 15, 17-19, 27, 28, 34 and 35 were rejected under 35 U.S.C. 112, second paragraph. In the above amendments, these claims have been amended to address the points raised in the comments. The extra claim fees associated with this amendment are enclosed.

Applicants note with appreciation the confirmation that dependent claims 3, 5, 6, 18, 19, and 32 contain allowable subject matter. In the present Amendment claims 3, 18 and 32 have been rewritten in independent fashion. The remainder of the pending claims are also considered in condition for allowance for the reason set out below.

The Office Action rejects claims 1, 7-11 and 15 as being considered to be anticipated by Klinkel. In the rejection of independent claims 1 and 15 reliance is placed on the stripper plates 87 spring loaded by springs 89 as end seal compression jaws. As noted in column 8, lines 40, the “two stripper elements are located below the sealing or welding jaws 40, 43 mechanically coupled to the jaws 40, 43”. The stripper elements are used for precompression of a product such as chips within the bag being formed for breaking up any blockage of goods. The springs associated with the stripper elements are in no way involved with the end sealing function which is carried out in a subsequent step relative to cam timing. Claims 1 and 15 currently reference jaw adjustability relative to the rod and the compliance of the jaw being relative to compliance associated with the end sealer and end seal formation which is not the case with the spring 89 shown in Figure 11 of Klinkel. Accordingly, it is respectfully submitted that claims 1 and 15 are not anticipated by Klinkel.

Claims 1, 2, 12, 16, 20, 21, 29, 30, 33 were rejected in the Office Action as being considered anticipated by Fowler (it is assumed that 30 was meant to read 31 and that 30 remains withdrawn). Among these claims, the claims of 1 and 29 represent independent claims. As to the rejection of claim 1, reliance is placed in the Office Action on the spring biased elements 163 and 165 as of Fowler being the “end seal compression jaw” and that the push rod 184 is received by the jaw 163, 165. These assertions are respectfully traversed.

A review of Fowler reveals that the elements 163, 165 are not part of the end sealer operation but used as grippers in the drawing down of film. In this regard reference is made to the disclosure in the paragraph in Fowler bridging columns 7 and 8 describing the gripping function of elements 163 and 165 and the separate operation of other devices to achieve the end seal. According the categorization of the gripping elements 163 and 165 as “end seal compression jaws” is respectfully traversed. Also, claim 1 describes the push rod as being in driving engagement with the transmission and being compliance adjustably connected at an end to the jaw. While the “push rod” of the present invention can be multi-component, it is in driving communication with the transmission compliance adjustable and is in driving communication with the end seal compression jaw so that the end seal compression is compliance adjustable as opposed to being a passive guide rod component that only operates during the compression stage and is not involved in the driving of the jaw into a compression state. Similar points are applicable to claim 29 which has been amended in the present application with claim 1.

In the Office Action claims 13 and 14 were rejected as being deemed anticipated or obvious by Klinkel. In the present amendment the features of claim 14 now appear in claim 13 and claim 14 has thus been canceled. In the rejection of claim 14 it was indicated that Applicant has not disclosed the different in spring constants solves any stated problem or is for any

particular purpose. It is respectfully submitted that the problem solved by the two different spring constant usage and the benefits are set forth in the application on, for example, page 46, lines 10-18. This description is relative to Figure 9I and the description clarifies that the two spring constants provide improved functioning relative to the two different functions of keeping the push rod assembly in transmission contact with the transmission and providing for jaw compliance for improved end seal formation (e.g., an enhanced capability for providing proper end sealer contact with the film being sealed despite a myriad of contact variations that can arise in the end sealer assembly operation).

The subject matter of claim 17 (together with claim revisions addressing the indefiniteness assertions) has been included in the subject matter of claim 18 said to represent allowable subject matter in the Office Action.

Independent claim 22 has been amended to clarify that the compliance set forth in the claim is end sealer compliance and claim 22 originally described the driving engagement between the rod assembly and the jaw that includes a rod extension sliding received by the jaw. Thus the rejection of claim 22 under Fowler in view of Kinkel is respectfully submitted not to render obvious claim 22.

Independent claim 25 was rejected in the Office Action as being considered rendered obvious by Fowler in view of Klinkel. Claim 25 clarifies that the location of support interconnection between said rod assembly and said jaw is also a location of driving force imparting from said cam member, which is lacking in the asserted combination.

Claim 32, which was noted as containing allowable subject matter, has been rewritten in independent format such that it too stands in condition for allowance.

AMENDMENT
U.S. Appln. No. 10/776,453

Based on the foregoing it is respectfully submitted that all claim stand in condition for allowance and confirmation of the same is earnestly solicited (including claim 30 which is presumably still withdrawn but is subject to rejoinder in view of its dependency on claim 1).

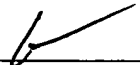
If for any reason the current claim set is not deemed in immediate condition for allowance the Examiner is invited to telephone the undersigned to further discuss the case.

If any additional fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account No. 02-4300; Order No. 034017R015

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By:



Dennis C. Rodgers, Reg. 32,936
1850 M Street, N.W., Suite 800
Washington, DC 20036
Telephone: 202/263-4300
Facsimile: 202/263-4329

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